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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,323	12/05/2003	Kenneth J. Goodnow	BUR920020125US1	1322
21918	7590	10/26/2005	EXAMINER	
DOWNS RACHLIN MARTIN PLLC			DOAN, NGHIA M	
199 MAIN STREET			ART UNIT	
P O BOX 190			PAPER NUMBER	
BURLINGTON, VT 05402-0190			2825	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,323

Applicant(s)

GOODNOW ET AL.

Examiner

Nghia M. Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/05/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Responsive to communication application 10/707,323 filed on 12/05/2003, claims 9-28 are pending, and claims 1-8 have been canceled.

Claim Objections

2. Claims 10-15, 17-22, and 24-28 are objected to because of the following informalities:

As per claims 10-15, 17-22, and 24-28, the beginning claims preamble of these dependent claims change – a – to – the --.

As per claims 25-27, the claims preamble of these claims change – the method – to -- the system --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15 and 21 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Because these claims state, “the step of disabling any of said at least three physical copies that are faulty”, which is not describe the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 9-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan et al. (Sullivan) (US 5,883,809).**

7. **With respect to claims 9, 16, and 23, Sullivan discloses** a method and system for inserting testing point within an integrated circuit, comprising the steps of:

creating an integrated circuit design description using a hardware designed language at the resister-transfer level (col. 1, ll. 38-49);

adding a fault tolerant operator to the particular logic functions in said integrated circuit design description (figure 4); and

building redundant copies for the particular logic function having a fault tolerant operator (col.1, ll. 41-50).

8. **With respect to claims 10, 22 and 28, Sullivan discloses** all the limitations of set forth claims, wherein said integrated; circuit design description in said creating step is for a FPGA (col. 4, ll. 19-25, -- ASIC is including FPGA --).

9. **With respect to claims 11, 17, and 24, Sullivan discloses** all the limitations of set forth claims, wherein said building step includes building at least three physical

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copies of each logic function having a fault tolerant operator (figure1, elements 16; col. 4, ll. 45-50).

10. **With respect to claims 12, 18 and 25**, Sullivan discloses all the limitations of set forth claims, further comprising the step of determining which of said at least three physical copies is faulty (figure1, elements 26; col. 4, ll. 32-35).

11. **With respect to claims 13, 19, and 26**, Sullivan discloses all the limitations of set forth claims, wherein said step of determining includes using a majority voter (figure 1, element 28, --master comparator--).

12. **With respect to claims 14, 20, and 27**, Sullivan discloses all the limitations of set forth claims, further comprising the step of receiving at said majority voter an output value from each of said at least three physical copies of each logic function, wherein for any minority output value at said majority voter, said respective copy is deemed faulty (figure 1, element 30; and col. 5, ll. 24-39).

13. **With respect to claims 15 and 21**, Sullivan discloses all the limitations of set forth claims, further comprising the step of disabling any of said at least three physical copies that are faulty (figure 4, -- mask output if comparisons disable--).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghia M. Doan whose telephone number is 571-272-5973. The examiner can normally be reached on 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghia M. Doan
Patent Examiner
AU 2825
NMD

Alvando

THUAN - DO

Primary examiner

10/24/2005